

**GARVEY McNEIL &
McGILLIVRAY, S.C.**

ATTORNEYS AT LAW

PSC REF#: 61029

Edward R. Garvey
Kathleen G. McNeil
Pamela R. McGillivray
Christa O. Westerberg
David C. Bender
Carlos A. Pabellon

Of Counsel
Peter E. McKeever

Public Service Commission of Wisconsin
RECEIVED 09-14-06, 4:10:42 PM

September 14, 2006

VIA FACSIMILE and U.S. MAIL

Public Service Commission of Wisconsin
610 North Whitney Way.
P.O. Box 7854
Madison, Wisconsin 53707-7854

Re: Application of American Transmission Company for a CPCN to Construct a New 138 kV Line from North Madison Substation to the Huiskamp Substation in the Towns of Vienna and Westport and the Village of Waunakee in Dane County, WI, Docket No. 137-CE-139.

Dear Commissioners:

On behalf of the Sierra Club, I request that the Commission exercise its authority pursuant to Wis. Stat. § 196.491(3)(g) to seek court approval to extend the deadline for a Commission decision in the above-captioned case. Without extending the deadline for a decision, the case management order in place does not allow sufficient time for parties to prepare a case.

Sierra Club and most other parties who petitioned for party status in this case were not granted party status until the pre-hearing scheduling conference today. Due to the constraints of Wis. Stat. § 196.491(3)(g), the Hearing Examiner set the hearing for the week of November 27, 2006. This gives Sierra Club and many other parties only two months between being granted party status and the hearing. Parties have even less time to prepare their cases. The current schedule requires parties to provide direct pre-filed testimony by October 20, 2006, which affords only five weeks to conduct discovery, hire experts, and prepare testimony. This restrictive timeline presents a challenge for all parties, but it is especially onerous for parties, like Sierra Club, who rely on Intervenor Compensation. Unless and until the Commission rules on requests for compensation, Sierra Club and others cannot hire the necessary experts and prepare

their cases. Sierra Club cannot have been expected to submit requests for compensation any earlier since it was not even admitted as parties until today.

This case already includes almost 100 full parties. Additional parties may still seek intervention before the deadline for doing so next month. It can reasonably be expected that parties will raise issues of fact and present testimony on all factors before the Commission, including, among others, the need for the proposed project, alternatives to the proposed project, environmental impacts, health impacts, and routing factors. Merely reading through the testimony submitted by so many parties will require significant time of Commission staff and parties. Reading through the numerous briefs as well as the voluminous record that is likely to be produced in this case will require additional time of the Commission. It is simply not feasible to conduct this case and have a meaningful examination of the issues on the established timeline. Therefore, Sierra Club respectfully requests that the Commission seek court approval to extend the time for making a decision in this case.

A copy of this request is being uploaded to ERF and served on the applicant and parties who have consented to electronic service. As soon as a service list is created that includes all parties admitted today, Sierra Club will serve a copy by mail on all parties.

Very Truly Yours,
GARVEY MCNEIL & MCGILLIVRAY, S.C.

A handwritten signature in black ink, appearing to read 'D.C. Bender', with a long horizontal flourish extending to the right.

David C. Bender

Attorney for Sierra Club